Crmal Misc. App. No. 828 of 2006

Hon. Prafulla C. Pant, J.

By means of this petition, moved under Section 482 of Code of Criminal Procedure, 1973, the petitioner has challenged the proceedings of criminal complaint case No. 42 of 2006, Ramesh Chandra Vs. Murari Lal, relating to offence punishable under Section 138 of Negotiable Instruments Act.

Heard Shri Vinod Sharma, learned counsel for the petitioner.

It is argued that the impugned cheque given as a guarantee to the seller, and was to be encashed if the consideration is not paid by the purchaser. It is further argued that the consideration was paid and there was endorsement in the back of the deed relating to payment.

The grounds on which the proceedings are challenged are the factual disputes between the parties, which are required to be examined by the trial court.

Therefore, the petition under Section 482 Cr.P.C. is dismissed in limine with the observation that all the pleas relating to the innocence of the petitioner, raised before this Court may be raised before the trial court during the trial. It is further observed that if the petitioner is arrested or surrenders before the court, his bail application shall be heard without unreasonable delay. (All pending applications in this case also stand disposed of).

Dt. 02.11.2006 (P.C. Pant, J.)

S